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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,950	09/29/2003	Peter J. Balsells	2967	3808
7590	07/07/2005		EXAMINER	
WALTER A. HACKLER, Ph.D. PATENT LAW OFFICES SUITE B 2372 S.E. BRISTOL NEWPORT BEACH, CA 92660-0755			SCHWARTZ, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			3683	
DATE MAILED: 07/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/673,950	BALSELLS, PETER J.	
Examiner	Art Unit		
Christopher P. Schwartz	3683		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 May 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-45 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

U.S. Patent and Trademark Office  
PTOL-326 (Rev. 1-04)

## Office Action Summary

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/05 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3 applicants claim in claim 1 the primary and secondary coils are offset from one another. Claim 3 then calls for them to be concentric (having a common axis—coaxial). It would appear applicant has crossed embodiments. Applicants have referenced the embodiments of figures 7c-7j with regard to the "offset" limitation.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12,15,16,19-34,37,38,41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsells '638 in view of Williams and Watanabe.

Regarding claims 1,25 Balsells '638 discloses a device with which applicant is well familiar and in the several embodiments shows primary and secondary coils (see figures 19,25,29,36,38,43... 92,93). These figures would seem to show a plurality of non-overlapping primary and secondary coils of a different dimensional size with the secondary wire coils being disposed between adjoining and contiguous primary wire coils, as broadly claimed even though they may be connected at their ends.

Watanabe shows a spring in figure 4 having primary and secondary coil springs as per applicant's in which the secondary and primary coils do not overlap (note the similarity between this figure and figure 11 H of applicant's figures).

The reference to Williams is relied upon to more clearly illustrate in some types of applications the desirability of having the axes of the coils offset from one another. But note also the discussion in Balsells '638 col. 3 lines 15-17.

To have incorporated the teachings of Williams and Watanabe into Balsells '638 would simply have amounted to an obvious variation to that of Balsells '638 dependent upon the particular load vs. force characteristics desired from the spring, or for a particular application of the spring.

Regarding claims 2-7,12 from the discussion in col. 2 lines 49-52 and as can be seen from the several embodiments, and as broadly claimed, these requirements are met by

'638. Note that the interpretation of the "primary" and "secondary" coils, with respect to at least several of the claims, may be reversed.

Regarding claims 9,20-22 see the discussion in col 2 lines 49-52 and 61-63. See also the discussion with regard to figure 103.

Regarding claims 10,11 see the embodiments shown in figures 92,93 and the discussion at the top of column 9.

Regarding claim 25 see the embodiment of figures 38,39.

Regarding claims 26-29,31-34,42-44 as discussed above, these requirements are met.

Regarding claims 8,30 to have made the primary and secondary coils of '638 from different gauge wire would have been obvious to the ordinary skilled worker in the art at the time of the invention dependent upon the spring characteristics desired, as is notoriously well known in the art.

Regarding claims 15,37 being that '638 states that various combinations of the shapes of the springs and angles thereof may vary to accommodate axial and/or radial loading (col 3 lines 3,4 and 9-17) one having ordinary skill in the art at the time of the invention would have found it obvious to have oriented the primary and secondary coils of '638 to the claimed orientation to accommodate a specific application (i.e. load vs. deflection) intended for the spring.

Regarding claims 16,38 these requirements are met.

Regarding claims 19,24,41 such a cross section for one of the coils would simply amount to an obvious alternate equivalent cross section to that discussed by '638 in col 2 lines 49-52 and 61-63 dependent upon a particular application for the spring.

Regarding claims 23,45 simply to have used a spring with coils having "flat sides", in '638 as modified, as taught by Watanabe, would have been obvious dependent upon the application for the spring

6. Claims 13,14,17,18,35,36,39,40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsells '638, as modified above, and further in view of Balsells '276.

Regarding claims 13,14,17,18,35,36,39,40 one having ordinary skill in the art would have found it obvious to have canted the primary and secondary coils of '638, as modified, with the claimed turned angles dependent upon the particular application of the garter spring or desired load vs. deflection characteristics, as taught by '276 in figures 9 and 10.

### ***Response to Arguments***

7. Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive. Applicant's arguments are believed to be addressed in the action above. Also the amendment necessitated a new grounds of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record is relied upon to show concepts that are well known to the ordinary skilled worker in the art. See Kessen et al. figure 7. All of

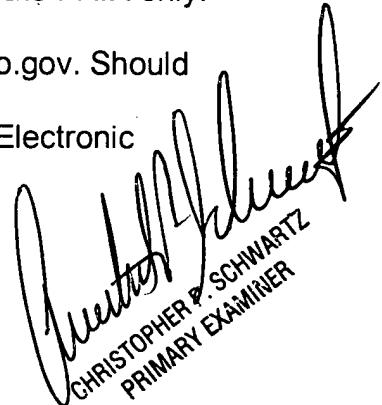
the references cited in this application should be carefully reviewed before preparing a response to the action above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 9:30-6:00.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps  
7/1/05



CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER